

## **REMARKS**

Initially, in the course of preparing the instant amendment, Applicant reviewed the specification and claims. Several minor typographical and reference errors in the specification were noted and are corrected hereinabove. In addition, an omitted word in claim 5 is supplied hereinabove.

Turning to the Office Action, original claim 13 was rejected under 35 U.S.C. § 112 as indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In that respect, it is indicated that the phrase "said slot" in claim 13 lacks antecedent basis. Since claim 13 previously recites "an arcuate slot," it is submitted that such constitutes basis for the subsequent recitation. Since the same slot is clearly referenced, Applicant has amended the recitation of "said slot" to read "said arcuate slot." Accordingly, it is submitted that the indefiniteness objection regarding claim 13 is overcome.

Original claims 1-8, 10, 12 and 13 were rejected under 35 U.S.C. § 102(b) as anticipated by Ford U.S. Patent No. 6,076,590 (hereinafter "Ford '590 patent") The applicability of the Ford '590 patent to independent claim 1 of the application is set forth at p. 2 of the Office Action as follows:

As concerns claim 1, Ford et al. set forth a sectional door (best illustrated in Fig. 9) comprising a plurality of panels having a front facer and a rear surface; first and second joints being hinged together; the first joint having a primarily planar surface (formed by the top surface of member 104) perpendicular to the front facer and the second joint having a curvilinear surface (viewed as inclusive of member 190).

The Ford '590 patent discloses a sectional door purporting to have anti-pinch features; however, the joints or edge walls (192, 190) between adjacent panels are of a substantially different structural configuration than what is specified in the claims of the instant application. Initially, the referenced Fig. 9 discloses upper and lower joints or edge walls that are discontinuous. In the case of both joints, there is a portion of the joint which extends inwardly from the front surface of the panel toward the rear surface and a second, disconnected portion of the joint which is integral with a portion of the rear surface of the panel which extends outwardly and

overlaps the first portion of the joints. The Office Action indicates that the second joint having a curvilinear surface is the member 190 in Fig. 9. The first joint having primarily planar surfaces oriented perpendicular to the facer, is said to be the top surface of the member 104, which is an insulation insert in the panel which is offset substantially interiorly of the upper edge wall or joint 192, which interacts with the lower joint or edge wall 190 of an adjacent panel. The top surface of the insulation which is offset from the lower joint 192 cannot be considered an edge wall in the context of Applicant's invention as claimed.

It is submitted that claim 1 as amended clearly patentably distinguishes over the Ford '590 patent. Independent claim 1 specifies that the first and second joints are matingly engaged in the closed vertical position of the door. The top surface of the insulation member 104 in the Ford '590 patent does not engage the second end wall or joint 190 of the Ford '590 configuration. Rather, it is the actual end wall 192 which engages the end wall 190. However, end wall 192 is not constituted of substantially planar surfaces oriented substantially perpendicular to the front face of the panels, as is also required by independent claim 1. The Office Action apparently selected the insulation member as a joint or end wall surface because it is substantially perpendicular to the front facer of the panel; however, it does not meet the requirement that it be a matingly engaging surface of one of the panel joints in the closed vertical position of the door.

Independent claim 1, as amended, further specifies that the first and second joints of Applicant's panel "integrally" interconnect the front facer and the rear surface. As noted above, in regard to the Ford '590 patent, the joints or end walls are not integrally connected with the front facer and rear surface of the panel. Rather, both of the end walls or joints of the Ford '590 patent are discontinuous as a portion of the end wall is attached to the front surface of the panel and a portion is connected to the rear surface. Thus, Applicant's integral interconnecting of the front surface, first and second joints and rear surfaces of the panels is in no way taught or suggested by the Ford '590 patent.

Applicant has canceled claim 9 and incorporated the subject matter of the first and second joints integrally interconnecting the front facer and the rear facer into independent claim 1. In regard to dependent claim 9, the Office Action indicated that that subject matter was rejected under 35 U.S.C. § 103 as obvious in view of the Ford '590 patent. In that respect, the Examiner indicated that forming separate members as one integral member, and the integration of parts or vice versa is not considered patentable subject matter within an apparatus claim. From this, the Office Action concludes that it would have been obvious to form the separate members of the Ford '590 patent as one member "in order to reduce the number of parts of the door and thereby the number of steps required to produce the door."

Applicant's continuous joint members, which are formed integral with the front facer and rear surface of the panel, are thus constituted and oriented substantially perpendicular to the front facer in the case of the first joint for purposes of imparting rigidity and strength to the panels. Reducing the number of parts and the number of steps required to produce the door is not the motivating factor in Applicant's structure as set forth in independent claim 1. Thus, it is clear that Applicant's structure and the reasons therefore are clearly not obvious for the reasons stated in the Office Action.

Applicant's utilization of the joints formed integrally with the facer and the rear surface provides continuity in the reinforcing provided by the joint areas, while the requirement that the first joint have primarily substantially planar surfaces oriented perpendicular to the front facer optimizes the strength which can be achieved with a given material thickness while still providing a pinch resistant configuration. It is apparent from Fig. 9 of the Ford '590 patent that having both end wall surfaces or discontinuous joints provides virtually no panel strength perpendicular to the facer and permits essentially free flexure of the joints in the area of the seal 108. The invention of amended claim 1 is neither anticipated nor obvious in view of the Ford '590 patent.

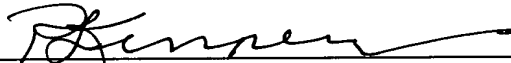
Applicant has submitted further independent claim 15 and claims 16-21 depending directly or indirectly thereon. Independent claim 15 is generally

Application No.: 10/713,871  
Amendment dated: November 1, 2004  
Reply to Office Action of May 6, 2004

patterned after claim 1 and contains all of the limitations discussed hereinabove with respect to the patentability of claim 1. Claim 15 specifies that the facer of the panels integrally forms a front surface, first and second joint surfaces extending rearwardly from the front surface and rear surfaces extending from the joint members. Claim 15 also aligns the rear surfaces of the panels as substantially paralleling the front surfaces. Therefore, independent claim 15 is believed to be patentable for the reason stated above in conjunction with the discussion of claim 1.

In view of the amendments to the claims and the discussion above, Applicant requests reconsideration and favorable action on claims 1-8 and 10-21, inclusive. Should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,



---

Phillip L. Kenner, Reg. No. 22,353  
RENNER, KENNER, GREIVE, BOBAK, TAYLOR & WEBER  
First National Tower - Fourth Floor  
Akron, Ohio 44308-1456  
Telephone: (330) 376-1242  
Facsimile: (330) 376-9646  
Attorneys for Applicant

Date: November 1, 2004